IC 35-45-9

Chapter 9. Criminal Gang Control

IC 35-45-9-0.1

Repealed

(As added by P.L.220-2011, SEC.608. Repealed by P.L.63-2012, SEC.62.)

IC 35-45-9-1

"Criminal organization"

Sec. 1. As used in this chapter, "criminal organization" means a formal or informal group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in;

(B) participates in; or

(C) has as one (1) of its goals; or

(2) requires as a condition of membership or continued membership;

the commission of a felony, an act that would be a felony if committed by an adult, or a battery offense included in IC 35-42-2.
As added by P.L.180-1991, SEC.11. Amended by P.L.140-1994, SEC.5; P.L.192-2007, SEC.9; P.L.25-2016, SEC.21; P.L.65-2016, SEC.35.

IC 35-45-9-2

"Threatens"

Sec. 2. As used in this chapter, "threatens" includes a communication made with the intent to harm a person or the person's property or any other person or the property of another person.
As added by P.L.180-1991, SEC.11.

IC 35-45-9-3

Participation in criminal organization; offense

Sec. 3. (a) As used in this section, "benefit, promote, or further the interests of a criminal organization" means to commit a felony or misdemeanor that would cause a reasonable person to believe results in:

(1) a benefit to a criminal organization or a member of a criminal organization;

(2) the promotion of a criminal organization; or

(3) furthering the interests of a criminal organization.

(b) As used in this section, "purpose of increasing a person's own standing or position within a criminal organization" means

committing a felony or misdemeanor that would cause a reasonable person to believe results in increasing the person's standing or position within a criminal organization.

(c) A person who knowingly or intentionally commits an offense:

(1) with the intent to benefit, promote, or further the interests of a criminal organization; or

(2) for the purpose of increasing the person's own standing or position within a criminal organization;

commits criminal organization activity, a Level 6 felony. However, the offense is a Level 5 felony if the offense involves, directly or indirectly, the unlawful use of a firearm (including assisting a criminal (IC 35-44.1-2-5) if the offense committed by the person assisted involves the unlawful use of a firearm).

(d) In determining whether a person committed an offense under this section, the trier of fact may consider a person's association with a criminal organization, including:

(1) an admission of criminal organization membership by the person;

(2) a statement by:

(A) a member of the person's family;

(B) the person's guardian; or

(C) a reliable member of the criminal organization;

stating the person is a member of a criminal organization;

(3) the person having tattoos identifying the person as a member of a criminal organization;

(4) the person having a style of dress that is particular to members of a criminal organization;

(5) the person associating with one (1) or more members of a criminal organization;

(6) physical evidence indicating the person is a member of a criminal organization;

(7) an observation of the person in the company of a known criminal organization member on at least three (3) occasions;

(8) communications authored by the person indicating criminal organization membership, promotion of the membership in a criminal organization, or responsibility for an offense committed by a criminal organization;

(9) the person's use of the hand signs of a criminal organization; and

(10) the person's involvement in recruiting criminal organization members.

As added by P.L.180-1991, SEC.11. Amended by P.L.158-2013, SEC.538; P.L.25-2016, SEC.22.

IC 35-45-9-4

Threats; refusal to join or withdrawal from organization; intimidation offense

Sec. 4. A person who knowingly or intentionally threatens another person because the other person:

(1) refuses to join a criminal organization;

(2) has withdrawn from a criminal organization; or

(3) wishes to withdraw from a criminal organization;

commits criminal organization intimidation, a Level 5 felony.

As added by P.L.180-1991, SEC.11. Amended by P.L.158-2013, SEC.539; P.L.25-2016, SEC.23.

IC 35-45-9-5

Criminal organization recruitment

Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal organization or remain in a criminal organization commits criminal organization recruitment, a Level 6 felony.

(b) The offense under subsection (a) is a Level 5 felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

As added by P.L.192-2007, SEC.10. Amended by P.L.158-2013, SEC.540; P.L.25-2016, SEC.24.

IC 35-45-9-6

Restitution

Sec. 6. In addition to any sentence or fine imposed on a criminal organization member for committing a felony or misdemeanor, the court shall order a criminal organization member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

As added by P.L.192-2007, SEC.11. Amended by P.L.25-2016, SEC.25.